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5 Counsel for Mohamed Poonja,  
Chapter 7 Trustee for San Jose Airport  
6 Hotel, LLC, dba Holiday Inn San Jose, and  
Mobedshahi Hotel Group

Attorneys for Defendants,  
Infinity HI, LLC, Global Enterprises LLC,  
Ramani International, LLC, 2720 Uridias Ranch, LLC  
Ajan P. Shingal, and Myra Shingal

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9 IN THE UNITED STATES BANKRUPTCY COURT  
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION

12  
13 In re:  
14 SAN JOSE AIRPORT HOTEL, LLC, dba  
15 HOLIDAY INN SAN JOSE,  
16  
17 Debtors.

Chapter 7  
Case No. 09-51045-SLJ  
(Jointly Administered with  
Case No. 09-51073-SLJ )  
Adv. Pro. No. 11-05198

18 MOHAMED POONJA, Chapter 7 Trustee for  
SAN JOSE AIRPORT HOTEL, LLC, dba  
19 HOLIDAY INN SAN JOSE, Debtor, and  
MOBEDSHAHI HOTEL GROUP, Debtor,

STIPULATION AND ~~[PROPOSED]~~  
ORDER WITHDRAWING REFERRAL  
TO BANKRUPTCY COURT

20 Plaintiff,

21 vs.

28 U.S.C. §157(d)  
Northern District General Order 24

22 INFINITY HI, LLC, a California limited  
liability company; GLOBAL 360  
23 ENTERPRISES, LLC, a California limited  
liability company; RAMINI  
24 INTERNATIONAL, LLC, a California  
limited liability company; 2720 URIDIAS  
25 RANCH, LLC, a California limited liability  
company; AJAY P. SHINGAL, an individual;  
26 and MIRA SHINGAL, a/k/a Myra Shingal and  
Myra Trypathi, an individual,

27 Defendants  
28

STIPULATION AND ~~[PROPOSED]~~ ORDER WITHDRAWING  
REFERRAL TO BANKRUPTCY COURT

*In re San Jose Airport Hotel*, Adv. No. 11-05198

1 In order to conserve the parties' and the Court's time and resources, and without prejudice to  
2 any claims or defense and reserving any claims or defenses each may have, Plaintiff and Defendants in  
3 above-captioned case, enter into this stipulation with reference to the following facts.

4 1. On February 18, 2009, San Jose Airport Hotel, LLC filed a voluntary petition for  
5 relief under chapter 11 of the United States Bankruptcy Code in the above-entitled Bankruptcy Court,  
6 commencing the chapter 11 case of *In re San Jose Airport Hotel, LLC, dba San Jose Airport Hotel,*  
7 *Debtor*, case no. 09-51045-SLJ (the "SJAH Chapter 11 Case"). The SJAH Chapter 11 Case was  
8 converted to a case under chapter 7 of the Bankruptcy Code on May 7, 2010.

9 2. On February 19, 2009, the Mobedshahi Hotel Group filed a voluntary petition for relief  
10 under chapter 11 of the United States Bankruptcy Code in the above-entitled Bankruptcy Court,  
11 commencing the chapter 11 case of *In re Mobedshahi Hotel Group*, case no. 09-51073-SLJ (MHG  
12 Chapter 11 Case'). The MHG Chapter 11 Case was converted to a case under chapter 7 of the  
13 Bankruptcy Code on May 13, 2010.

14 3. Mohamed Poonja was appointed trustee of the SJAH estate by the acting United States  
15 Trustee on May 12, 2010 and was certified and qualified as the same.

16 4. Mohamed Poonja was appointed trustee of the MHG estate by the acting United States  
17 Trustee on May 18, 2010 and was certified and qualified as the same.

18 5. The complaint in this adversary proceeding, Adv. Pro. No. 11-05198, was filed on June  
19 29, 2011.

20 6. Pursuant to 28 U.S.C. § 157(a), General Order 24 for the United States District Court  
21 for the Northern District of California provides:

22 1.01 CASES AND PROCEEDINGS UNDER TITLE 11, UNITED STATES CODE  
23 This court hereby refers to the bankruptcy judges of this district all cases under title 11,  
24 and all proceedings arising under title 11 or arising in or related to cases under title 11.

25 7. On June 23, 2011 the United States Supreme Court decided *Stern v. Marshall*, \_\_\_\_  
26 U.S., 131 S. Ct. 2594, 180 L.Ed. 475 (2011) regarding the authority of a United States Bankruptcy  
27 Court under Article III of the United States Constitution to enter final judgments in adversary  
28 proceedings.

STIPULATION AND [PROPOSED] ORDER WITHDRAWING  
REFERRAL TO BANKRUPTCY COURT

*In re San Jose Airport Hotel*, Adv. No. 11-05198

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1 8. On December 12, 2011, after briefing by counsel for both sides on the jurisdiction and  
2 authority of the Bankruptcy Court to hear the matter and enter final judgments in this adversary  
3 proceeding, Judge Steven L. Johnson determined that this adversary proceeding was "related to" the  
4 underlying title 11 cases and although the District Court has jurisdiction of the case, the Bankruptcy  
5 Court does not have the authority to enter final judgment.

6 9. 28 U.S.C. § 157(d) provides that:

7 (d) The district court may withdraw, in whole or in part, any case or proceeding  
8 referred under this section, on its own motion or on timely motion of any party, for  
9 cause shown. The district court shall, on timely motion of a party, so withdraw a  
10 proceeding if the court determines that resolution of the proceeding requires  
consideration of both title 11 and other laws of the United States regulating  
organizations or activities affecting interstate commerce.

11 Based on the foregoing, the parties to this adversary proceeding  
12 HEREBY STIPULATE TO THE FOLLOWING:

- 13 a. Defendants preserve all defenses, including lack of jurisdiction, to the claims asserted  
14 in the Complaint herein;  
15 b. Defendants do not admit the truth of any of the allegations in the Complaint herein; and  
16 c. The District Court, pursuant to 28 U.S.C. § 157(d), shall withdraw the reference of this  
17 adversary proceeding to the Bankruptcy Court.  
18

19 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD:

20  
21 Dated: February 23, 2012

PRICE LAW FIRM

22  
23 By: /s/ Matthew E. Coleman  
Matthew E. Coleman

24 Attorneys for Defendants,  
25 Infinity HI, LLC, Global Enterprises LLC,  
26 Ramani International, LLC, 2720 Uridias Ranch, LLC  
27 Ajan P. Shingal, and Myra Shingal  
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STIPULATION AND [PROPOSED] ORDER WITHDRAWING  
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1 Dated: February 23, 2012

HENNEFER FINLEY & WOOD LLP

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By: /s/ James A. Hennefer  
James A. Hennefer

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Attorneys for Plaintiff  
Counsel for Mohamed Poonja,  
Chapter 7 Trustee for San Jose Airport  
Hotel, LLC, dba Holiday Inn San Jose, and  
Mobedshahi Hotel Group

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9 IT IS SO ORDERED:

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11 Dated: May 15 2012

By:   
United States District Court Judge

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STIPULATION AND [PROPOSED] ORDER WITHDRAWING  
REFERRAL TO BANKRUPTCY COURT

*In re San Jose Airport Hotel*, Adv. No. 11-05198

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